

CITY OF LODI

COUNCIL COMMUNICATION

AGENDA TITLE: Smart Voter Project

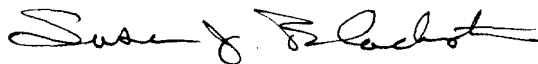
MEETING DATE: February 20, 2002

PREPARED BY: City Clerk

RECOMMENDED ACTION: That Mayor Pennino present a proclamation commending the League of Women Voters of San Joaquin County for its efforts in creating the Smart Voter Project in the City of Lodi.

BACKGROUND INFORMATION: Mayor Pennino will present a proclamation commending the League of Women Voters of San Joaquin County for its efforts in creating the Smart Voter Project in the City of Lodi and thanking it for promoting voter awareness amongst the voters in this community and throughout the County of San Joaquin. Phyllis Morel, 2nd Vice President of the League of Women Voters of San Joaquin County, will be at the meeting to accept the proclamation.

FUNDING: None required.



Susan J. Blackston
City Clerk

SJB/JMP

APPROVED: _____
H. Dixon Flynn -- City Manager

STATE BALLOT MEASURES

Primary Election • March 5, 2002



EDUCATION FUND

LEAGUE OF WOMEN VOTERS OF CALIFORNIA

926 J STREET, SUITE 515, SACRAMENTO, CA 95814

PRESS DATE

JANUARY, 22 2002

QUALIFICATIONS FOR VOTING

In order to vote in the March 5th election, you must be:

- 18 years old;
- a resident of the state;
- a resident of the precinct 29 days before the election;
- and registered to vote.

Absentee Ballot

The last day that the Registrar of Voters can accept an application by mail for an absentee ballot is February 26, but you may apply in person at the Registrar of Voters up to Election Day. Absentee ballots must be in the hands of the Registrar of Voters by 5:00 p.m. on Election Day, March 5, 2002.

**ELECTION DAY IS TUESDAY
MARCH 5, 2002
POLLS ARE OPEN FROM
7 A.M. TO 8 P.M.**

Election Information

If you are a registered voter, you will receive a notice of the election that includes the address of your polling place. The notice will also include a sample ballot, an application for an absentee ballot and information about the ballot measures.

**February 19 is the last day to register
to vote for the March 5 election**

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PROPOSITION

40

THE CALIFORNIA CLEAN WATER, CLEAR AIR, SAFE NEIGHBORHOOD PARKS, AND COASTAL PROTECTION BOND ACT OF 2002

Legislative Bond Act

THE QUESTION

Should the state borrow two billion six hundred million dollars (\$2,600,000,000) through the sale of general obligation bonds for development, restoration, and acquisition of state and local parks, recreation areas and historical resources, and for land, air, and water conservation programs?

THE SITUATION

The state acquires, develops and improves recreational areas (such as parks and beaches), cultural areas (such as historic buildings and museums), and natural areas (such as wilderness, trails, wildlife habitat, and the coast). The state also provides grants to local governments for those purposes.

The last park bond act approved by the voters was Proposition 12, for \$2.1 billion in bonds in March 2000. Funds authorized by the previous bond acts are mostly spent or committed to specific projects.

THE PROPOSAL

Proposition 40 will authorize the sale of \$2.6 billion in general obligation bonds to conserve natural resources (land, air, and water), to acquire and improve state and local parks, and to preserve historical and cultural resources.

FISCAL EFFECT:

Costs are estimated at \$4.3 billion over 25 years, or \$172 million per year.

SUPPORTERS SAY

- Our drinking water, our air and our beaches will be protected from toxic pollution.
- Coastal lands and beaches threatened by development need protection.
- Passage of Proposition 40 will help provide kids with safe places to play.
- Our economy and environment will be enhanced and protected.

OPPONENTS SAY

- In March 2000, voters funded \$4 billion in bonds for similar projects. Why do we need another \$2 billion that we cannot afford?
- Bonds are an expensive and wasteful financing scheme, almost doubling the cost.
- Some money will go to special interests. We shouldn't all have to pay for that.
- Local governments should finance their own projects.

For more information:

Supporters: Californians for Clean Water, Clean Air, Coastal Protection, and Safe Neighborhood Parks, (916) 313-4539, www.voteyeson40.org

Opponents: Senator Ray Haynes, (909) 698-2158, www.hjta.org

MISSION STATEMENT

The League of Women Voters, a nonpartisan political organization, encourages the informed and active participation of citizens in government. The League also influences public policy through action and advocacy. The League does not support or oppose candidates or political parties.

As part of the Voters Service program, the League of Women Voters of California Education Fund publishes the Pros & Cons of the State Ballot Measures, an explanation of the propositions on the state ballot and the main arguments of their proponents and opponents. The League does not judge the merits of the arguments nor guarantee their validity. Arguments come from many sources and are not limited to those found in the state ballot pamphlet.

Local Leagues in California

For more information about ballot measures, available speakers and candidate forums, contact your local League of Women Voters listed below.

Alameda
Arcadia MAL Unit
Bakersfield
Beach Cities
Berkeley, Albany, Emeryville
Beverly Hills
Butte County
Capistrano Bay Area
Central Orange County Area
Central San Mateo County
Claremont
Coachella Valley
Cupertino, Sunnyvale
Davis
Diablo Valley
Downey
East San Diego County
Eastern Sierra
East San Gabriel Valley
Eden Area
El Dorado County
Escondido
Fremont, Newark, Union City
Fresno
Glendale, Burbank
Humboldt County
Indian Wells Valley MAL Unit
Livermore, Amador Valley
Long Beach Area
Los Altos, Mountain View Area
Los Angeles
Marin County
Marysville, Yuba City
Mendocino County
Merced County
Modesto
Monterey Peninsula
North Coast San Diego County
North Orange County
North San Mateo County
Northwest Riverside County
Oakland
Orange Coast
Palo Alto
Palos Verdes Peninsula
Pasadena Area
Piedmont
Plumas MAL Unit
Redding Area
Redlands
Richmond Area
Sacramento
Salinas Valley
San Bernardino
San Diego
San Francisco
San Joaquin County
San Jose, Santa Clara
San Luis Obispo
Santa Barbara
Santa Cruz County
Santa Maria Valley
Santa Monica
Solano County
Sonoma County
South San Mateo County
Southwest Riverside County
Southwest Santa Clara Valley
Torrance
Tulare County
Ventura County
Western Nevada County
Whittier
Woodland

PROPOSITION

43

THE QUESTION

Should the California Constitution be changed to require that every vote legally cast in an election be counted?

THE SITUATION

Presently the California Constitution recognizes the right of citizens to vote, but does not guarantee that all votes will be counted. Stimulated by the vote-counting debacle in Florida last year, the Legislature has placed before the voters a Constitutional Amendment designed to ensure that all votes legally cast in this state will be counted.

THE PROPOSAL

Proposition 43 seeks to add one sentence to the California Constitution:
"A voter who casts a vote in an election in accordance with the laws of the state shall have that vote counted." The Legislature would authorize the extension of counting deadlines, if such extension were necessary to finish a complete count.

FISCAL EFFECT

The measure would not result in additional costs to state or local governments.

RIGHT TO HAVE VOTE COUNTED

Legislative Constitutional Amendment

SUPPORTERS SAY:

- Last year's debacle in Florida points up the need to ensure that counting deadlines are not used to deny some individuals the right to have their vote counted.
- It does not change laws regarding recounting ballots or determining voter intent.
- It will help ensure the legitimacy of California elections without encouraging frivolous lawsuits.

OPPOSITIONS SAY:

- The loss, destruction, or damage of ballots before they were counted might invalidate an election even though there was no doubt as to its winners.
- Proposition 43 could invite lawsuits over whether all votes have been counted, making the outcome of an election uncertain for a long period of time.
- Proposition 43 will not resolve a more important problem, that of mistakes made by voters in casting their ballots causing uncertainty as to their intentions.

For more information:

Supporters:
Ethan Jones, (916) 443-6036,
YesOnProp43@sbcglobal.net

Opponents:
Voter Information Alliance, (408) 882-5070,
www.VoterInformationAlliance.org

PROPOSITION

44

CHIROPRACTORS. UNPROFESSIONAL CONDUCT.

Legislative Initiative Amendment

THE QUESTION

Should the Chiropractic Act be amended to alter procedures in cases of various specified offenses, including insurance fraud?

THE SITUATION

The Chiropractic Act is a law that was adopted by the voters. Any changes to the act require voter approval. Under the act, the Board of Chiropractic Examiners licenses and regulates chiropractors who practice in California. There are about 15,000 licensed chiropractors in the state. The Board of Chiropractic Examiners can impose discipline, including revoking a license, for various acts of misconduct. If the act is not followed the person is subject to a fine, imprisonment in the county jail or both.

THE PROPOSAL

In September 2000, the legislature passed a bill (SB 1988). The proposal includes several measures designed to subject chiropractors to regulations similar to those that currently apply to medical doctors. The Board of Chiropractic Examiners would be required to investigate any licensed chiropractor who is charged with insurance fraud. A chiropractor's license may be revoked for ten years upon a second conviction, or

conviction on multiple counts; hiring ambulance chasers, etc., to procure patients is unprofessional conduct.

FISCAL EFFECT

None directly. Some savings in insurance likely.

SUPPORTERS SAY

This is a small part of a reform measure that would bring chiropractors into line with other professionals.

OPPOSITIONS SAY

A chiropractor that defrauds an insurance company should pay restitution and punitive damages, but should not lose his license for ten years.

For more information:

Supporters:
Senator Jackie Speier, (650) 361-0301

Opponents:
Libertarian Party of California, (818) 782-8400,
www.ca.lp.org

VOTE ~ VOTE ~ VOTE

PROPOSITION**41****VOTING MODERNIZATION BOND ACT OF 2002**

(Shelley-Hertzberg Act) Legislative Bond Act

THE QUESTION

Should the state borrow \$200 million (\$200,000,000) through the sale of general obligation bonds to assist counties in the purchase of updated voting systems?

THE SITUATION

Under present law, counties may purchase and use any of three voting systems that have been certified by the Secretary of State — Punch Card systems, Optical Scan machines, or Touch Screen systems. The Secretary of State recently revoked certification on two types of punch card systems (Votomatic and PollStar), effective July 2005.

THE PROPOSAL

Passage of Proposition 41 would authorize the state to sell \$200 million (\$200,000,000) in general obligation bonds. Monies from the sale of these bonds would be used to assist counties in the purchase of new voting equipment. Some specific provisions are:

- that the prescored punch card voting systems would be ineligible for funding
- that a county must contribute one dollar of county funds for every three dollars of bond monies received
- that a paper version or representation of the voted ballot must be produced to be retained by election officials for use during a manual recount or other recount or contest.

FISCAL EFFECT

The state would make principal and interest payments from the state's General Fund over a period of about ten years. The average payment would be about \$26

million per year.

The measure would result in additional costs to counties for one-time matching fund costs and additional ongoing costs to operate, maintain, and store the new voting equipment. In addition the counties would have costs to train staff and voters on the use of the machines. The magnitude of these costs will vary among counties. Additional operating costs could be in the several tens of millions of dollars statewide.

SUPPORTERS SAY

• These funds will help counties modernize election systems. This will improve voting security, boost participation, and avoid costly lawsuits arising from election irregularities.

- Punch Card systems may produce errors that can disqualify an entire ballot.

OPPONENTS SAY

- Money to update voting systems should come from funds the state already has — from tax dollars paid in income taxes, sales tax, and other taxes. Taxes and fees we already pay would be more than enough.
- As California faces fiscal uncertainties, taxpayers should not be saddled with more debt.

For more information:

Supporters:

Yes on Prop 41, (916) 325-8600, www.41-yes.org

Opponents:

Honorable Dennis Mountjoy,
(626) 357-8237, dmountjoy@aol.com

PROPOSITION**42****TRANSPORTATION FUNDING: SALES AND USE TAX REVENUES**

Legislative Constitutional Amendment

THE QUESTION

Should the California Constitution be amended to require gasoline and diesel fuel sales tax revenues be allocated for specified transportation purposes, including highways, streets and roads, and transit improvements?

THE SITUATION

Over \$15 billion is spent annually in California to maintain, operate and improve its highways, roads, rail and transit systems. Nearly half of those revenues come from the local level in the form of local sales and property taxes and transit fares. The remainder of the funds comes from the state and federal levels, largely in the form of gasoline and diesel fuel taxes.

The state currently levies two types of taxes on gasoline and diesel fuel:

- An 18 cent excise tax on each gallon of gasoline and diesel fuel; and
- A sales tax on the sale of gasoline and diesel fuel, the rate of which is currently 5.75 percent and will change to 6 percent on January 1, 2002.

About 83 percent of the diesel fuel sales taxes are currently used for transportation purposes. However, most of revenues from gasoline sales taxes have historically been used for various general purposes, including education, health, social services, corrections, and local government fiscal relief.

THE PROPOSAL

This measure places in the State Constitution the provisions of current law from the Transportation Congestion Relief Program (TCRP) of 2000 that require gasoline sales tax revenues be used for specified state and local transportation purposes.

Proposition 42 would:

- Allocate gasoline and diesel fuel sales tax

revenues for transportation purposes as specified under the TCRP for the fiscal years 2003-04 through 2007-08;

- Require that beginning with fiscal year 2008-09, revenues from gasoline and diesel fuel sales taxes be allocated 20% to public transportation, 40% to transportation improvement projects as specified in the State Transportation Improvement Program, and 40% to local streets and road improvements, with half of the latter amount being allocated to counties and half to cities.
- Require a 2/3 majority vote of the legislature to modify this distribution of revenues.

FISCAL EFFECT

According to the Legislative Analyst, for fiscal years 2003-04 through 2007-08, Proposition 42 would have no fiscal impact, since it merely reflects those provisions of current law found in the Transportation Congestion Relief Program of 2000.

Beginning in fiscal year 2008-09, however, the amount of state revenues that would otherwise be available for general purposes, estimated to be approximately \$1.4 billion for 2008-09 and increasing annually thereafter, would now be allocated specifically for transportation purposes only.

SUPPORTERS SAY

- Prop 42 ensures that the gasoline sales we're already paying be spent to improve our highways, local streets and mass transit, without increasing or imposing new taxes.
- Prop 42 creates jobs and boosts our economy with the creation of construction and engineering projects, generating nearly six times the amount in economic benefits.
- Prop 42 requires an annual audit to ensure projects are delivered on time and on budget.

WHAT IS A BOND?

A bond is a form of borrowing often used by state and local governments, usually to pay for capital outlay projects that would be too costly to pay for at one time. In effect, investors loan money to the government for a specific project and are repaid with interest over a specified number of years.

HOW DOES REPAYMENT AFFECT THE STATE BUDGET AND MY TAXES?

The principal and interest payments on about eighty-five of general obligation bonds are made from the state's General fund, which comes primarily from state income taxes and sales taxes. The remaining general obligation bonds are self-supporting and, therefore, do not require General Fund repayment and support.

HOW ARE BONDS REPAID?

According to the Legislative Analyst, most general obligation bonds are paid off over a period of 20 to 30 years. Assuming an interest rate of 5 percent (the current rate for this type of bond), the cost of paying off bonds over 25 years is about \$1.65 for each dollar borrowed—\$1 for the dollar borrowed and 65 cents for the interest. This cost, however, is spread over the entire period, so the cost after adjusting for inflation is less. Assuming a 3 percent future annual inflation rate, the cost of paying off the bonds in today's dollars would be about \$1.23 for each \$1 borrowed.

Currently the state's bond debt is about 4.7 % of the General Fund revenues. Payments on the state's General Fund debt will be around \$3.2 billion during the 2001-02 fiscal year.

WHY ARE BONDS ON THE BALLOT?

In California, when the state wants to borrow money through a general obligation bond, this action must be approved by a majority of the voters. This ensures investors that the bonds are backed by the full faith and credit of the state.

HOW DO STATE GENERAL OBLIGATION BONDS GET ON THE BALLOT?

They are put on the ballot by a two-thirds vote of both houses of the legislature with the signature of the Governor, or through a voter initiative.

OPPONENTS SAY

- Prop 42 pits vital state programs against each other and puts transportation funding ahead of priorities for education, health and safety concerns.
- Prop 42 locks into the Constitution in 2002, spending priorities through 2008
- Since September 11th of last year, government has greater demands to protect our public safety and health, and needs flexible funding sources to do so.

For more information:

Supporters:

Taxpayers for Traffic Relief/Yes on 42, A Coalition of Taxpayers, Construction, Business, Labor, Engineers and Commuters, (310) 996-2671, www.yesprop42.com

Opponents:

California Teachers Association, (650) 697-1400, www.cta.org
Lenny Goldberg, Director, California Tax Reform Association, (916) 446-4300

CRITERIA FOR EVALUATING BALLOT PROPOSITIONS

- Who are the real sponsors and opponents of the measure? Investigate the names of groups with which you are not familiar.
- Does the measure deal with one issue which can be easily decided by a "yes" or "no"? Or is it a complex issue which should be thoroughly examined in the legislative arena?
- Is it written well? Are there conflicts in the measure that may require court resolution or interpretation? Is it "good government" or will it cause more problems than it will resolve?
- If the measure amends the Constitution, consider whether it really belongs in the Constitution. Amending the constitution is cumbersome and costly and requires a vote of the people. Would a statute accomplish the same purpose?
- Does the measure create its own revenue source? Does it earmark, restrict, or obligate a specific percentage of General Fund revenues? Consider the effect on the overall flexibility of the budget.
- Examine the measure by its merits. During the campaign, be wary of distortion tactics and commercials that rely on image, but tell nothing of substance about the measure.

Courtesy of Margaret Craig, LWV Orange Coast

PROPOSITION

45

LEGISLATIVE TERM LIMITS. LOCAL VOTER PETITIONS

Legislative Initiative Constitutional Amendment

THE QUESTION

Should the California Constitution be amended to allow voters to submit petitions to permit their incumbent legislators to run for reelection and to serve for a maximum of four more years beyond their presently allowed terms?

THE SITUATION:

In 1990, voters approved Proposition 140, a state constitutional amendment limiting the number of terms an elected state official could serve in the same office. After serving a total of six years in the Assembly or eight years in the Senate, the legislator was deemed "termed-out" and was not eligible to run again for that office.

THE PROPOSAL

This initiative would adjust current term limits to allow registered voters to petition the Secretary of State to permit their incumbent legislator to run for reelection and to serve for no more than four years, if a majority of voters approve. Assembly members could then run for two more two-year terms and State Senators for one additional four-year term.

The option could be exercised only once per legislator in the district where the legislator currently serves.

Petitions must be filed before the end of the legislator's final term, and all signatures on the petitions must be verified to belong to registered voters in that legislator's district.

The verified signatures would need to equal in number 20 percent of the ballots cast for that office in the preceding general election.

FISCAL EFFECT

The Legislative Analyst's Office says costs to verify petition signatures would be born by the counties. Statewide, however, it could cost several hundreds of thousands of dollars every other year. Costs to track the eligibility of candidates for reelection would be minimal.

SUPPORTERS SAY

- The proposition is reasonable and fair reform, which recognizes the positive aspects of term limits.
- Prop 45 Restores decision making to local voters who desire to retain their own legislator.
- Local community/business groups drafted the measure and it has support from respected political reform organizations.

OPPONENTS SAY

- This would destroy term limits since incumbents have a great advantage for reelection.
- It would allow career politicians and their special interest allies to expand their stranglehold on power.
- Prop 45 is not a citizens' rights issue since special interests financed the measure.

For more information:

Supporters:
Karin Caves, (916) 443-3416, Yes on 45 or
www.petitionrights.org

Opponents:
Todd McCauley, (916) 786-9400, No on 45: Stop the Politicians, or www.stopthepoliticians.org

Please pass on this publication to help others to be informed too!

If you would like to help future publications of the League of Women Voters of California Education Fund, please send a contribution to:

League of Women Voters of California Education Fund
926 J Street, Suite 515 Sacramento, CA 95814

Call Toll free 1-888-870-VOTE

www.cawl.org

www.SmartVoter.org

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for all of California.

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- * Ballot issues
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- * Election results



March 2002 Modified Closed Primary

This next statewide primary election, we will be under different rules than the last statewide primary. We will be functioning under a "modified" closed primary system. This permits an individual that is unaffiliated with a party ("decline to state") to request a ballot for a specific political party—if that political party has rules that allow them to vote in their party. The voter, who has a declined to vote affiliation, will need to request such a ballot or they will receive a ballot with nonpartisan offices and measures. The American Independent, Democrat, Republican, and Natural Law parties are allowing individuals that decline to state their affiliation to vote for their candidates. To affiliate with a party, or to change party affiliation, voters must reregister. The last day to register to participate in the March 2002 primary is February 19, 2002.